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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RYAN J. NEGRI,

Plaintiff,

-v -

MICHAEL J. FRIEDMAN,

Defendant.

-- X

1:14-cv-10233-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

Defendant filed his motion for summary judgment on December 20, 2016. Dkt. No. 123. Pursuant to the Court's October 24, 2016 order, Plaintiff's opposition to Defendant's motion was due on February 3, 2017, which gave the Plaintiff forty-five days from the filing of Defendant's motion to submit an opposition. Dkt. No. 119. After that deadline passed without receiving Plaintiff's opposition, the Court *sua sponte* extended Plaintiff's deadline to file by another two weeks, giving Plaintiff until February 24, 2017 to file his opposition. Dkt. No. 127.

On February 24, 2017, the Court received a letter from Baruch S. Gottesman, Esq. requesting, on behalf of Plaintiff, an extension of time to oppose Defendant's motion for summary judgment. Dkt. No. 128. Mr. Gottesman has not been retained by Plaintiff, and has not entered an appearance in this case. *Id.* at 3. As such, Mr. Gottesman is not permitted to make requests on Plaintiff's behalf. *See* Southern District of New York Electronic Case Filing Rule 20.3 ("An attorney who joins a case already in progress must electronically file a Notice of Appearance."). Mr. Gottesman does not assert that his representation is contingent upon bankruptcy court approval alone—he seeks the extension to allow Plaintiff to retain him or *other* counsel.

Additionally, as Defendant has appeared *pro se* in this case, any filing by Plaintiff must comply with the Court's Individual Rule of Practice in Civil *Pro Se* Cases 2(C), which require that all papers submitted in a case with a *pro se* party must be accompanied by an affidavit or other statement affirming that a copy of the papers have been sent to that *pro se* party. Neither Mr. Gottesman, purporting to act on Plaintiff's behalf, nor Plaintiff himself, has complied with this rule.

Moreover, the Court provided Plaintiff with a total of over sixty days to oppose Defendant's motion for summary judgment, providing him ample opportunity to find and secure counsel. The Court has in fact previously stayed this case for exactly that purpose following the withdrawal of Plaintiff's prior counsel. *See* Dkt. Nos. 94, 97, and 98. Plaintiff has had ample time to retain an attorney to represent him, but despite the numerous extensions afforded to him, has failed to do so to date. The Court observes that Mr. Negri contacted Mr. Gottesman on February 23, 2017—one day before the already extended deadline for the opposition motion. *See* Dkt. No. 128 at 2. Given the multiple prior opportunities that the Court has given Mr. Negri to retain counsel, the Court does not perceive a basis in Mr. Gottesman's letter to further extend this case, which is now over two years old. Construing Mr. Gottesman's letter as a request by Mr. Negri for a further extension of the deadline to oppose Defendant's motion for summary judgment, that request is denied. The Court will resolve Defendant's summary judgment motion in due course.

The Court observes that Plaintiff has withdrawn his February 22, 2017 letter to the Court. The Court has not yet received that letter, however, the Court will consider any requests made in that letter to have been withdrawn.

Plaintiff is directed to serve a copy of its request, Dkt. No. 128, on Defendant and to retain proof of service.

The Clerk of Court is directed to mail copies of this order to Plaintiff and Defendant by certified mail.

SO ORDERED.

Dated: February 27, 2017
New York, New York

GREGORY H. WOODS
United States District Judge